

FARMINGTON CITY – CITY COUNCIL MINUTES

APRIL 6, 2021

WORK SESSION

Joining via Zoom:

*City Manager Shane Pace,
Councilman Brett Anderson,
Councilman Shawn Beus,
Councilman Scott Isaacson,
Councilwoman Amy Shumway,
Councilwoman Rebecca Wayment,
City Recorder Heidi Bouck,*

*Community Development Director Dave Petersen,
Assistant City Manager/Economic Development Director Brigham Mellor,
Assistant City Manager/City Engineer Chad Boshell,
and City Attorney Todd Godfrey.*

Councilman **Brett Anderson** called the work session to order, excusing Mayor **Jim Talbot**.

UDOT DISCUSSION ON WDC FARMINGTON BAY CONSTRUCTORS

The work session was held to consider a presentation made by the Utah Department of Transportation (UDOT). **Rex Harris** addressed the Council about berms and aesthetic treatments. UDOT has spent a lot of time with resident working groups over the last few years with all cities along the 16-mile corridor project. UDOT has a policy that three-quarters percent of the construction value can be spent on aesthetic treatments. The UDOT region director allowed them to go over and beyond that for this project, more than doubling what they were originally allowed to do with aesthetics. It was paid for with the construction budget of the project. The three quarters percent was separated out among the cities based on the number of exchanges and lengths of the project within their city limits. UDOT will cut Farmington a check for \$700,000 to be spent on the corridor however they would like, over and above the berming, treatments of what the bridges will look like, and noise walls.

While with the resident working groups, UDOT saw overwhelmingly that Farmington residents wanted to be shielded from the corridor as best as possible. Where noise walls do not qualify, they want berms that would shield them from the roadway. A berm is not necessarily a noise wall, but it is meant to reduce noise levels. Berms will help break up the view of the road while UDOT is trying to keep the corridor as low to the ground as possible. Sometimes that was not possible when crossing over roads and other crossings. In some areas, people were willing to have UDOT buy their property in order to keep the road alignment low. Glovers was initially

going to be high, but after listening to residents, it was kept low instead, which kept noise levels lower. Glovers will now be over top, and West Davis will be kept low.

UDOT environmentally cleared a 250 feet width for the roadway alignment and an additional 25 feet for a trail system through the corridor. Out of the 275 feet, this will give an area to place berms. He shared cross section illustrations with the Council. A car could traverse the berms, coming to a stop without rolling over. The maximum height of a berm is 6 feet, which will block the view of the vehicles considering a home 300 feet away.

There are a lot of wetlands in the area where the road will be built in the 275 foot roadway width. UDOT made commitments not to disturb those wetlands if they didn't have to. There will be wet areas adjacent to roadways where berms can't be placed. Road curves are banked to make it easier for motorists to stay on the roadways, but nothing more than 4 percent. Some embankments are 20 feet high for curves. So, the berms may not have as much of an effect on some curved areas. In these cases, it wouldn't make sense to have a berm.

UDOT has some budgetary limitations, so they prioritized the areas where berms would have the greatest effect. They will not be on the lake side of the roadway in Farmington. They will be between the homes and the roadway. The first priority was shielding all homes within 300 feet of the roadway, which their budget covered. The budget allowed capturing all homes within 500 feet, roughly a city block or two football fields.

Past Glovers, berms can be built in areas of the map shown in green. A third of a mile along Buffalo Ranch Road will be covered. The three-quarters of a mile from Ranch Road/Prairie View Drive stretching to where the ramps are at 950 will be covered. Past there, into Kaysville, berms will shield the sewer plant for half a mile. There are some additional alternative areas (shown in red and blue on the map) based on the effectiveness of how well the berms will work. If the contractor has excess material, berms can be placed in these areas. There are areas where the berms can be extended.

If the Council wants to see examples of other berms, there are a lot along Legacy Highway, **Harris** said. On Legacy Highway, they can be 50 feet wide at the base. He encouraged Council members to visit the GIS map at the udot.utah.gov/westdavis website and play around with the layers. There is a berm layer, a noise wall layer, wetland layer, etc.

Harris said there is a fine balance considering striping being repainted on an annual balance, especially after being impacted by plows in the winter. The concrete road will have the striping grooved in about 1/8 of an inch. Reflectivity with glass beads helps. Testing is being done continuously to find products that stay and last longer. UDOT is open to suggestions on this.

Anderson asked if there have been discussions about where and when Farmington will be in getting its own access to the West Davis Corridor. **Harris** said it will be at 1525, as UDOT has already bought Right of Way (ROW) there. This will allow high school access. It will be a local interchange and Farmington will have to work through funding issues for that. UDOT likes to have 2-mile spacing between interchanges.

City Manager **Shane Pace** said timing will rely on how well Farmington lobbies the State Legislature for that funding. Councilman **Scott Isaacson** asked if UDOT and the City are certain that the residents want that additional interchange at 1525, as he knows a lot of people in that area who won't be happy with it. He has heard over the years that Farmington gets the burden of a freeway that their residents can't even use, which he understands. **Anderson** doesn't know if the 1525 interchange issue has been hammered out yet.

Councilwoman **Amy Shumway** asked if the website map would be updated to show 650 West going over Glover's Lane. **Harris** said those updates have not been made to the website. These are concepts for Glover's and 650 was what the contractor came up with. When the proposal went out to get a contractor on board, three were bidding on the project. They took five months to look at it, to see if they could come up with a road better than UDOT had proposed.

Farmington Bay Constructors were the winning bidder who came up with a concept better than UDOT's proposal. The conditions placed on that is that the contractor would need to get approval from the City as well as environmental clearance. UDOT is now in the process of getting environmental clearance and getting the reevaluations done by May. It will be presented for public comment in the future. Once it is cleared environmentally, it will be posted on the website. It can't be shown until things are cleared environmentally and UDOT has all their ducks in a row.

Robert Patcheck, project manager with Farmington Bay Constructors, addressed the Council regarding the proposal to use 950 North as a transportation corridor going from U.S. Highway 89 to the West Davis Corridor. Farmington Bay Constructors has gone through a lot of studies on how to ingress and egress this project, from 1525 and Shephard's Lane. He found out from the City that they had plans to lengthen 950 North in the future. They have come up with something that would be beneficial to both parties. It would be half a million dollars worth of work that could be done in house, with the remainder of the work that could be negotiated. He was able to get some good pricing through their partners in the industry, including Staker Parsons and Wadsworth Construction. He wants the Council's thoughts on this proposal today. They could provide excavation and subbase for a haul road, tying into Shepard Lane. It would be a temporary access road. The value of the excavation, top soil stripping, and granular base in its permanent configuration is just under half a million dollars.

Pace said it would cost \$640,000 for Farmington to do it, more than the \$500,000 being proposed by Farmington Bay Constructors. This would be a good benefit to Farmington. Farmington Bay Constructors knows that the sewer may want to come in with a line there, and that would have to be negotiated, with hopes to be competitive considering Farmington's base budget.

The 200 North access from Highway 89 will be the truck access on the north, while 1525 will be the south access, which is a 6.75 mile gap along the corridor. This is the biggest stretch in the project and puts a heavy burden on those two access points. The 1525 access would come off U.S. 89 at Park Lane, then proceed west to 1525 West to access the corridor. That is 2 miles on City streets with five signalized intersections and heavy haul trucks impacting traffic. The 950 access would alleviate that traffic by 30 percent, and be only 1 mile on City streets and two signalized intersections. Shorter haul times from the South Weber Staker Parson pit would result in 25 percent fewer trucks needed on the road to keep up with the project. Other aggregates will come from Interstate 15 and use Glover's Lane, rather than the Staker Parson pit at the intersection of Interstate 84 and U.S. 89.

Isaacson said he sees some real problems because 1525 is a narrow road right now with no shoulders. He would like more time to speak with the Council about this. **Shumway**, who lives right off Shepard Lane, has neighbors that complain about the Highway 89 construction because it is elevated by Smith's. She wanted to know how long to anticipate hauling on Shepard Lane so she can answer to her neighbors. They answered it would be three to four months, then taper off but continue throughout the duration of construction of the project.

Councilwoman **Rebecca Wayment** said she understands the need for the 950 access. It will be a shared impact throughout the City, and it should be put in the newsletter that heavy trucks will be going on City surface streets. It will be a big change. **Pace** said the City will have to get back to the contractor to let them know if to move forward with the 950 access or not. A decision cannot be made in this work session. If the City agrees, it would start being implemented in the next 30 days, the contractor said. The large loads of fill could start within 35 days.

Assistant City Manager/City Engineer **Chad Boshell** said they need to get the embankments built quickly in order to allow time to settle. The haul routes will be used throughout the project, but in different phases. Before complaining starts, **Isaacson** wants communication going out to City residents about how the City tried to mitigate the impacts.

REGULAR SESSION

Joining via Zoom:

*City Manager Shane Pace,
Councilman Brett Anderson,
Councilman Shawn Beus,
Councilman Scott Isaacson,
Councilwoman Amy Shumway,
Councilwoman Rebecca Wayment,
City Recorder Heidi Bouck,*

*Community Development Director Dave Petersen,
Assistant City Manager/Economic Development Director Brigham Mellor,
Assistant City Manager/City Engineer Chad Boshell,
City Attorney Todd Godfrey, and
Traffic Engineer Tim Taylor.*

CALL TO ORDER:

City Councilman **Brett Anderson** called the meeting to order, excusing Mayor **Jim Talbot**.

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

Hindu Leader **Rajan Zed** offered the invocation, and the Pledge of Allegiance was led by City Councilman **Shawn Beus**.

PUBLIC HEARINGS:

Chestnut Farms Planned Unit Development (PUD) Master Plan Amendment and Phase 5 PUD and Schematic Subdivision Plan with Accompanying Zone Change

Community Development Director **Dave Petersen** presented this agenda item, which was last on the September 1, 2020, City Council agenda, when it was tabled. The applicant has been working since and then resubmitted his application recently. It borders 1525 on the west and along 475 South. In 2012, the City Council approved the master plan pursuant to the subdivision ordinance. It shows a connection to the north to what is now the **Young** property, with a connection from 475 South to 600 South street across the **Bangerter** property. The master plan they are proposing is an amendment to their existing master plan because, to the north, the 350 South extending to 1525 West was never part of the original Chestnut Farms subdivision. They wanted to be consistent with the 2012 decision. Instead of having 300 South through the Young property, they are taking it through their own property instead. It is on land they control. On 475 South, they picked up property they didn't have at the time of the 2012 master plan. These things are consistent with the master plan and the lot sizes are consistent with surrounding lot sizes. Phase 4 to the south of the church is under construction currently. Phase 5 is due east of

the church and includes three streets. Phase 6 will be the remainder at another time. 475 South does not connect through to the 1450 West cross street; it will be a trail connection instead. The **Swedin** property was never rezoned, and the request from the developer is to change it from Agricultural (A) to Agricultural Estates (AE) consistent with all the land around them, which is consistent with the master plan as well.

Traffic Engineer **Tim Taylor** addressed the Council. He updated a memo he originally wrote in 2012. There is not a lot to the south and west in this area of the City. People trying to cut through neighborhoods to get to other parts of the City are pretty limited in this area. The 2009 Transportation Master Plan shows a connection between 1100 West and 1525 West. That was part of the debate of extending 475 South. The proposal for 1365 West to a future 600 South makes sense for neighborhood residents as well as access for emergency and garbage collection. It allows additional access to the neighborhood without cut-throughs. It is an ideal connection to have. The memo talks about the general area and characteristics, which are unique. A connection to 1525 West for West Davis Corridor may be needed to the south of this project in the future, as discussed by the Utah Department of Transportation (UDOT) in the earlier work session.

The Transportation Master Plan shows a connection going east-to-west in the vicinity of between 600 South up to 200 South. The demand needs to be satisfied with a through street for local access. There are pros and cons listed in his memo. The only con is if 600 connects as shown, you will end up having that be a primary route for the neighborhood similar to 500 South between 650 West and 1100 West.

John Wheatley (111 Frontage Road, Centerville, Utah) with Symphony Homes and representing the applicant, addressed the Council. They have been working with Farmington for the past 15 years on different phases of this project. Five years ago, they purchased more property, which made a new master plan needed with a connection from 350 South to 1525 West. This will help connectivity with Phase 6. They can go either way with 1375 West, and have been working with staff on grade reduction. They have been working with neighbors to address 475 South. They dramatically reduced density on the street for the new Bangerter connection.

Anderson opened the Public Hearing, asking participants to limit their comments to under three minutes.

Marc Tingey, who has property abutting the new road going into the Bangerter property, addressed the Council. He has a problem with the through road being unfinished for a long time. It is not a nice site to look at, and he lived near something similar in Syracuse. He would like a cul-de-sac stubbed into the Bangerter property instead. Symphony has been good to work with Farmington City Council, April 6, 2021

through the years. He doesn't like the density. That road will create the traffic that he and his wife don't like. Symphony has addressed the drainage issues of the four houses that will be abutting their property.

Stu Wilcock (1311 W. 475 South, Farmington, Utah) addressed the Council. He lives just east of **Marc Tingey**. He is concerned with the height of 1375 West to 600 South to the Bangerter property. There is a 10 foot slope down to the road. In Phase 4 there was a massive wall with a fence on top of that. It will peer over into everyone's yard. Since it is unknown when the Bangerter property will develop, maybe that road doesn't have to be developed right away.

Steven Bouck (1392 W. 475 South, Farmington, Utah) addressed the Council. Regarding 600 South, Symphony has been gracious to work with. The transportation plan said there are pros with not much cut-through traffic. If that is the case, why not make it a cul-de-sac?

Anderson closed the Public Hearing.

Beus asked about the suggestion of switching the cut-through road and the cul-de-sac, and what the pros and cons would be. **Wheatley** answered that typically roads should be spaced out a little more. There wouldn't be much of a difference, except it wouldn't be as centrally located or as convenient to get to 600 South. **Anderson** wants to know the number of houses that would be impacted if there were a switch.

Councilwoman **Rebecca Wayment** said an ugly dead-end road has been done quite a few times in developments when it abuts property that may be developed in the future, like Eastwood Estates on the frontage road near Glover's Lane. The street just ends and there is a rock fence at the end that may come out in the future. There is a way to make it look like it is not just left unfinished. She would like to address that. She is for connectivity in the area, and glad to see that 475 is not connecting to 1525 to protect the neighbors and trail connection. 1100 and 1525 still needs to be connected in a round-about way that provides connectivity but preserves the charm of the area. She is fine with the stubbed road, but there needs to be improvements.

Councilman **Scott Isaacson** said he agrees with **Wayment**. He wants to address the big drop off like that on 600, which is quite big. He thought it was worked out with the drainage and slope so that there won't be a big drop off like that. Assistant City Manager/City Engineer **Chad Boshell** said it has been minimized, as the slope starts to the south and not just at the last lot. It is not as high as 600 South. **Isaacson** asked why the City is interested in connectivity, which he assumes is for safety such as ambulance access. There needs to be more than one access to neighborhoods.

Taylor said from a circulation standpoint, having multiple ways in and out of a neighborhood is a good idea. That spreads out the traffic demand, so all emphasis and traffic volumes aren't by one certain set of homes. In this scenario, the only north south connection is 1450 West. It is good to have more choices and flexibility from a walking, biking and traffic standpoint.

Boshell said every road will have to be rebuilt, and every water and sewer line will have to be replaced at some point in the future. So, when work needs to happen, roads have to be shut down for a time, and it is good to have alternate routes for those projects. It causes less disruption to residents in the area.

Petersen said the predominant movement if going from 1100 West to 1525 West is east rather than west in that area. From Farmington Green Phase 4 to 475 South, there are 169 homes. If there is not an outlet to 600 South, all 169 homes would have to go 300 South via 350 South to get out. If there is a street that stubs, the traffic is evenly distributed through the neighborhoods. It will be fair and everyone will share the burden.

City Manager **Shane Pace** said Fire Chief **Guido Smith** was not able to attend because he is on a call at the moment. **Pace** said the more ways into a neighborhood, the safer it is for emergency response. Most calls are very routine, but there are always crucial calls where a minute or two can make a difference in a life. It is always better to have more than one or two ways into a neighborhood from a police and fire perspective. If all of 1100 West was blocked off from the north, the only option would be from 1525 in the future. Some accidents are serious enough that whole streets can be shut down.

Isaacson said if the Bangerter property never develops, there is no need for the stub road. But no one can know that yet. For the time, that stubbed road will be as good as a cul-de-sac.

Wheatley said a reason the through street is not to the west is that **Boshell** worked to get the drainage between Bangerter and the development to 3 feet instead of 6 feet like it is at 600 South. This is done with a finished curb at the end of the street and a catch basin. If it is moved one to the west, there is a steep 6-foot transition. **Beus** said he hadn't thought about the grade there.

Motion:

Councilwoman **Amy Shumway** moved that the City Council approve the Chestnut Farms Phase 5 PUD Master Plan Amendment/Subdivision Schematic Plan and the enclosed enabling ordinance extending the PUD overlay to the eastern portions of Phase 5 (or part of Phase 5 preliminary PUD master plan) and rezone 5 acres from A to AE (PUD), subject to all applicable

Farmington City ordinances and development standards, review and approval of a landscape plan and any other remaining requirements of 11-27-060, including Findings 1-5.

Findings for Approval 1-5:

1. The plan is more consistent with the Street Master Plan for the area approved in 2012.
2. Phase 5 and the Master Plan Amendment are consistent with the City's General Plan.
3. The rezone and schematic subdivision plan fit with the rest of Chestnut Farms, with lots that are not drastically different than those in much of Chestnut Farms, and other subdivisions in the area.
4. The PUD overlay is a more efficient use of land than of the underlying zones.
5. The development promotes local connectivity through stubbed or improved connections and trail network additions.

Wayment seconded the motion. All Council members voted in favor, as there was no opposing vote. The first time **Shumway** made the motion, Findings 1-5 were not included in her motion. Later in the meeting, she clarified the motion to include the findings, and all Council members voted in favor.

**Subdivision Schematic Plan Update, Rezone, Preliminary Master Plan Amendment—
Mountain View Phase 2 Subdivision**

Petersen presented this agenda item. They received final master plan and plat approval, and were looking forward to recording the plat. However, they were able to pick up the 111 South, or half an acre of the Lloyd Carr property. This shimmied the cul-de-sac a small amount and made the lots bigger. This picked up two more lots. Lots 206 and 207, the east half of Lloyd Carr's property, are still zoned AE not Residential (R), hence the rezone request. The Planning Commission reviewed this and recommended approval. There is a site at the trail head at 250 South Street, and they are in the process of picking that up from UDOT. This street has no proper turn around, and they have agreed to create a turn around to City standards, replace the amount of parking at the trail head, and landscape the rest before conveying it to the City. This will be great for garbage trucks, fire trucks and snow plows turn-arounds.

The applicant must remove the unnecessary parcel of open space next to Lot 215. This will make Lots 213, 214, and 215 bigger. The trail connection south of Lot 201 will remain. Another trail connection will be in the northeast. With those two connections, there will be 10 trail connections between Glover's Lane and the commuter rail stop. That is more than any other City.

Applicant **Shane Smoot** addressed the Council. Phase 1 was 18 lots. Adding the Carr property made some lots on average 1150 square feet larger than they were before. This makes the lots more marketable.

Anderson opened the Public Hearing.

Brian Hendricks (527 W. Vista Lane, Farmington, Utah) lives in the first phase of Mountain View Estates subdivision. He wants to know what they are doing with the open space in the area, particularly Parcel A in Phase 2 that he thought would be a park that he pays homeowner's association (HOA) fees for. Now it looks like Parcel A will be turned into lots for homes. The open space on 250 South is outside the subdivision and is not a park for his children.

Matthew Caldwell, who is building a home on Lot 113, addressed the Council. He wanted to know if the open space on 250 south is going to be cared for by the City and conveyed to the City, or maintained by the HOA. The 36 property owners in Mountain View Estates don't want to care for the open space there.

Paulette Hewitt (541 W 250 South, Farmington, Utah) addressed the Council. There were broken promises with the fence, the playground, and no traffic. On Phase 2, she hopes they make the cul-de-sac on the north end wide enough for a turn around. In Phase 1, you can't turn around on the dead end. There is a special needs child on that street, and the bus can't pick her up. The access on the north end of the trail has been changed, and should be handicap accessible. She said Lots 201-205 have shrunk in size. In March 6, 2018, when both phases were approved, those lots were 8,712 square feet. The new plat show them at 7,950 square feet. The open space on 250 South is not owned by the applicant yet. If people park there, no one can turn around. The street cleaners picking up limbs today could not turn around and had to back all the way up to get out. The residents are not going to have a park in their subdivision as promised.

Anderson closed the Public Hearing.

Petersen said for the open space on 250 South, the developer will convey it to the City after the improvements are made. Then, the City will maintain it. The HOA will not be responsible for this open space. The parking will not be part of the cul-de-sac turn around. There is a minimum turn-around standard. There is no need for Parcel A for open space requirements.

Wayment wants clarification on protecting the amount of open space in this area.

Smoot said they had an easement right across the UDOT parcel, and it was designed for that to come through 250 South. The applicant agreed to not allow access, per residents' requests. This

was a concession that beautifies the trail head and furthers the City's purposes for a turn-around. The proposed green space is greater than the green space before. It was 10 percent before, and now it is 13 percent. Parcel A was originally allocated as green space.

Petersen said that he is unsure what residents heard, but a neighborhood park was not included in the Phase 1 and 2 approval as far as the City is concerned. **Smoot** said he has provided better and more quality green space, plus an additional access, compared to original plans. This could cost more in HOA fees.

Motion:

Isaacson moved that the City Council approve the Subdivision Schematic Plan, and the enabling ordinance, amending the Preliminary PUD Master Plan and rezoning the additional property from Agricultural Estates (AE) and Residential (R) for the Mountain View Phase 2 Subdivision, subject to all applicable Farmington City ordinances and development standards and any remaining Development Review Committee (DRC) comments with the conditions a-c and findings 1-6 as shown on the Staff Report.

Conditions a-c:

- a. Prepare a site plan acceptable for the parcel on 250 S.
- b. That the applicant remove the unnecessary parcel of open space next to new Lot 215.
- c. Provide all improvements, which the City will maintain after completion.

Findings 1-6:

1. The modification is a better use of land than the previous Final Plat.
2. The Subdivision Schematic Plan and Rezone fit for the General Plan designation and the current character of the area.
3. The Mountain View Subdivision is within walking distance from the commuter rail stop.
4. The modification creates a new open space parcel on the northwest side of Lot 206.
5. The applicant has agreed to maintain and update the trailhead to Legacy Trail on the south side of the subdivision as open space.
6. The open space may not be directly accessible to Mountain View PUD, but it meets the standards for open space per Chapter 27 of the Zoning Ordinance.

Beus seconded the motion. All Council members voted in favor, as there was no opposing vote.

Gardner Conservation Easement Amendment Request

Petersen presented this agenda item. When the applicant came a year ago, they did not have an exhibit to their conservation easement. They went through an amendment and were approved to have a barn in the far corner. Parcel 1 to the left is where the Gardners own their home site. The easement is over 26 acres. In the Agricultural Very Low Density (AA) zone, accessory living quarters are allowed as a conditional use, as long as it is shown on the exhibit. The Planning Commission approved it subject to the City Council approving the following: this amendment to the exhibit, the area of the barn does not increase, the conditional use expires upon change of ownership (a new land owner would have to reapply for the conditional use), and the driveway to the barn should be gravel or some other acceptable surface. The barn has already been built.

Applicant **Greg Gardner** (1955 E. Laird Drive, Salt Lake City, Utah) said he and his wife are going to live in the barn for a while. They will do some planting and berming on the south side. This accessory unit is for the purpose of someone maintaining the property. The address of the parcel is 441 Comanche Road, Farmington, Utah.

Anderson opened the Public Hearing. Nobody signed up in person or electronically to address the Council on the issue. **Anderson** closed the Public Hearing.

When asked by **Anderson** if it is legal to limit the conditional use to the property owner, City Attorney **Todd Godfrey** said no, to be candid. Traditionally conditions run with the land, although he understands why the Planning Commission recommended it. **Petersen** wants the exhibit to look more professional.

Beus was surprised that an accessory unit was a use in the conservation easement, but it clearly is. There is not a negative impact the unit will have in the area. He watched the construction of this structure, as he lives nearby. He wants to remove the condition that the conditional use permit shall expire on change of ownership of the property and any subsequent owner wanting to re-establish an accessory living quarters must re-apply as per City ordinance. He is not concerned with the condition of the exhibit with its handwritten notes.

Motion:

Beus moved that the City Council approve the second amendment to the conservation easement document, which adjusts the use map for the Conservation Easement to include accessory living quarters as part of the barn subject to conditions of approval of the conditional use permit issued by the Planning Commission on March 18, 2021.

Conditions 1-3:

1. The City Council must approve an amendment to Exhibit X of the conservation easement showing the accessory living quarters as part of the barn;
2. The area and size of the barn cannot change to accommodate the accessory living quarters; and
3. The surface of the driveway leading to the barn must be gravel, or other acceptable surface, and not road-base.

Findings 1-10:

1. Minor or incidental change which is not inconsistent with the conservation values or purposes of the Conservation easement and/or provides clarification to aid in the interpretation of the document;
2. Consistent with the overall purpose of the Conservation Easement and will not be detrimental to or compromise the protection of the stated conservation values of the Property;
3. Substantially equivalent to or enhances the conservation values of the Property;
4. Consistent with the City's goals for conservation of land under the Farmington City Conservation Subdivision Ordinance and will not undermine the City's obligation to preserve and enforce other conservation easements it has accepted;
5. "Accessory Living Quarters" is listed as a conditional use within the easement, and the Planning Commission approved this use subject to, among other things, that City Council amend the exhibit to the easement to show said use.
6. Minimum change necessary to achieve the desired and acceptable purpose;
7. Clearly warranted and in the best interest of the public and the subject Property;
8. The granting of the amendment will not set an unfavorable precedent for future amendment requests;
9. The amendment does not adversely affect the City's qualification as a holder of conservation easements or any claimed deduction for donation of the conservation easement; and
10. The amendment does not provide a private benefit for the landowner or any private party or parties not greater than found elsewhere in the community under similar circumstances.

Isaacson seconded the motion. All Council members voted in favor, as there was no opposing vote.

Steed Creek Estates Phase 1 and 2—Plat Amendment

Petersen presented this agenda item, saying it was a simple boundary line adjustment. **Brian Bacon** on 410 S. 10 W. and **Bryan Jewett** on 413 S. 75 W. want to amend the common boundary line between them 5 feet to the east. **Bacon** has a big garage that won't be affected near this. **Jewett** needs the property line moved to accommodate an accessory use. The neighbors have already done the sale of the property. **Jewett** is the applicant.

Anderson opened the Public Hearing. Nobody signed up in person or electronically to address the Council on the issue. **Anderson** closed the Public Hearing.

Wayment said it is always good to have neighbors work out issues before the item comes to the City Council.

Motion:

Wayment moved that the City Council approve the Steed Creek Estates Phase 1 and 2 Plat Amendment, subject to all applicable Farmington City standards and ordinances.

Findings for Approval 1-2:

1. The plat amendment functions as a necessity due to the sale of the land having already occurred.
2. Other lots in the subdivision are minimally affected by the plat amendment.

Shumway seconded the motion. All Council members voted in favor, as there was no opposing vote.

Schematic Subdivision—Farmington Station II Office

Petersen presented this agenda item. This is a portion of the Farmington II Evans family Project Master Plan (PMP) vicinity map. 1100 West transitions into Commerce. The alignment for Commerce in June when the global PMP was approved may not be the final alignment. For the first 200 feet, the alignment will not change to make way for Maverick. Commerce Drive will terminate near the northern part of the office building. Staff is confident with this site plan because this portion of Commerce Drive will not change alignment. **Boshell** said it may change some, and they will know that in the next few months. Between the Right Of Way (ROW) and easement, there is enough space for another office building and also a parking structure to the rear as the market dictates in the future. Possible building elevations were included in the packet.

Applicant **Ryan Simmons** (101 S. 200 E., Salt Lake City, Utah) addressed the Council. This is a Class A office project that is on a portion of the Evans family property. Office is not the hottest thing in the world with COVID, so they are approaching it patiently. They want a concept approval at this point. They want to push the buildings as far to the west as possible to create parking to the east behind Cabela's and the Harmon's fuel station. An office can be added to the south and east side of it in the future.

Anderson opened the Public Hearing. Nobody signed up in person or electronically to address the Council on the issue. **Anderson** closed the Public Hearing.

Simmons clarified that they want the option for a sandwich or coffee shop with a drive-through, but without frontage to Park Lane. **Shumway** suggested a pickleball court instead of a tennis court. **Petersen** reminded the Council that they are not approving the site plan, as they only would do so on appeal. However, he understands that the Council may be curious about those sorts of details before approval. This is for 150,000 square feet of office space.

Motion:

Isaacson moved that the City Council approve the Subdivision Schematic Plan, subject to all applicable Farmington City ordinances and development standards and Conditions 1-2.

Conditions 1-2:

1. The subdivision and site plan must meet all applicable ordinances in Chapter 18 Mixed Use zone to avoid submitting a "sub"-PMP to utilize exceptions to the form-based code allowed by Section 140, including but not limited to matching the City's Regulating Plan.
2. Address any remaining DRC comments.

Findings for approval 1-8:

1. The use of office and professional space in the mixed use zones supports the goals of the General Mixed Use (GMU) zone, promoting higher density, walkability and economic stability.
2. The office use contributes less to light and noise pollution, as well as local traffic, during evenings, weekends and holidays.
3. The subdivision provides the City with an opportunity to construct the 1100 West connection to the future "Commerce" drive.
4. Office use supports other business in the area and provides jobs closer to Farmington.
5. As stated in 11-18-060, lots may be a "building lot" or a "zone lot." Zone lots can contain a use or uses by right or special review, meaning that the zone lot does not

necessarily have to be a building lot, and can be used to apply the building siting standards of the chapter. A parking lot, in this case, is an acceptable and allowed zone lot.

6. The plan allows for space to be used as a possible future parking structure.
7. The current maximum building height for the GMU zone is four stories. Last fall, the Planning Commission recommended increasing the building height, which has not been reviewed by the City Council yet. This opens the door for offices that are potentially greater than four stories.
8. The Regulating Plan shows neighborhood roads, and easements may be used to follow the Regulating Plan.

Beus seconded the motion. All Council members voted in favor, as there was no opposing vote.

NEW BUSINESS:

Consideration Approval of Sorensen Companies INC to Construct the 200 East and Main Street Water Lateral Project

Boshell presented this agenda item. This project has been on the radar for a few years and on the master plan. The water laterals from Centerville to Kaysville, along 200 East and Main Street, are very outdated, galvanized pipe with multiple leaks. Construction prices have increased dramatically over the last few years. The three bids ranged from \$867,000 to \$2.3 million, while the City had only budgeted \$318,000 in last year's budget. Sorensen Companies Inc. (SCI), which is also a traffic control company, has agreed to do it at a lower rate. **Boshell** suggested using that \$318,000 and doing as many of the large laterals as possible with that budget. That would be from the east side of the road where the main is, and replacing the west side. These are challenging laterals. Staff will be asking for an additional \$100,000 to get more on this project done. In the future, City crews can do short laterals on the shoulders of the road, which don't require as much traffic control, as time and money allows.

UDOT is doing a \$1 million street overlay project on 200 East and Main Street in 2024. Farmington would like to get finished with as many laterals as possible before then. **Boshell** said it is still an effective way to get this done. They had already considered taking the portion of State Street to 6th North out of the project, as that whole water line needs to be replaced in the near future. He projects that the City can get 50 to 60 laterals done this way, and there should be no inefficiencies breaking up the project.

Isaacson asked if it was typical that **Boshell** is listed as the engineer and architect on the project. **Boshell** said many cities do things like this design work in-house to save money. He is not

worried about liability on this, as it is a simple design. **Godfrey** said it is not uncommon with cities.

Motion:

Wayment moved to approve the contact and bid from Sorensen Companies Inc. for the construction of water lateral replacements in the amount of \$318,270 to be paid from the water utility fund with the option to add any additional funds allocated in the upcoming budget.

Shumway seconded the motion. All Council members voted in favor, as there was no opposing vote.

Consider Approval of CRS to Design the Infrastructure for the Business Park

Boshell presented this agenda item. With the opening of Shephard Lane interchange on Interstate 15 and all the development up to 950 North, the City has a lot to do in this area to prepare infrastructure for freeway openings and proposed development. Commerce, Digital and 500 North are all streets that need to be designed, including the road layouts and construction from curb to curb. This also includes water lines, secondary lines, sewer lines, and traffic lights. There are wetlands to mitigate. The City sent out a Request for Proposal (RFP), with six companies responding. Four staff members reviewed them without knowing the proposal cost, reviewing solely on qualifications. **Boshell** was the only staff member who knew the costs during review. Three of the firms were very qualified, and two of those had done significant work with the City over the years. When cost was applied, one firm quickly stood out: CRS. Their proposal, work plan and knowledge of the project helped out. They were almost half the cost.

Isaacson had some heartburn with some of CRS's standard clauses. He asked **Godfrey** about 2.7, where their liability is capped at \$100,000, which may be increased prior to execution up to the engineer's insurance limits upon request and payment of a fee. He is not used to seeing professional liability capped. **Godfrey** said that is not something that is generally accepted. **Beus** said it should be "the greater" instead of "lesser" of \$100,000 or the contract amount.

Isaacson said the proposed contract says CRS retains ownership of all documents, and that is not acceptable to him. **Godfrey** said the ownership of all documents should be changed to the City's. They can maintain any copyright they may have, if any. The City needs to own what they pay for, which is the design. He recommended to strike the liability portion of the contract. If they are not willing to sign that, they can bring something back to the Council be discussed.

Beus said this is a huge, important, and exciting step in development of the business park. They are no stranger to Farmington.

Motion:

Isaacson moved to approve the contract from CRS for the design of the Business Park Infrastructure in the amount of \$280,705 to be paid with transportation impact fees and 3rd quarter tax funds from the county, with the condition that in the proposed contract, section 2.7 limitation of liability is eliminated. Section 2.8 ownership of documents should be modified so the City owns the work and documents produced as works made for hire.

Beus seconded the motion. All Council members voted in favor, as there was no opposing vote.

Isaacson said the liability section as proposed is not agreeable at this point, and if the company is not fine with it, to give him a call. Their lawyers were too aggressive in drafting the boiler plate language. However, he does not want to delay this project.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

The Council considered the Summary Action List including: Parks Custodial-Maintenance Agreement for Beth Leuba, Jerrin Wood, Teresa Howe, and Ryan Uzelac; and Meadows at City Park Phase 3 Improvements Agreement. Those people are hired to open a park, close it, and clean the restrooms.

Motion:

Shumway moved to approve the Summary Action list items 1-5 as noted in the Staff Report.

Isaacson seconded the motion. All Council members voted in favor, as there was no opposing vote.

GOVERNING BODY REPORTS:

City Manager Report

Pace advised the Council on annexation. A resident on the corner of Glovers Lane and 1525 petitioned the City for annexation a few weeks ago. The resident would like to do a residential rehabilitation center there with 15 beds. The County would only give 8 beds, and told them if they wanted more to go to the City. What the County did was illegal without the company going through a financial analysis to then have a hearing officer determine the number of beds. This

petition will come before the Council, and is not contiguous to the City. Staff has concerns about this annexation, as it would require the City to maintain Glovers and 1525 over to the house, all for just one residence. Staff would prefer that the County go through that analysis.

Godfrey said the annexation process is a discretionary process with the County. There is an annexation policy that includes this property, but it is not binding. The Council can look at it on a rational basis, and say they are not ready to consider it. When property owners apply for this, it is good to tell applicants that the process can be long and laborious. If the Council doesn't see good merit in the application now, it is good to be straightforward with the applicant.

Beus said this came up three years ago when he worked for Davis County. The County was so immediately dismissive of this opportunity that it was frustrating. He thinks it is a noble cause, and he is sympathetic to the property owners. He thinks the County is wary of the potential use as a treatment center; however there are laws that protect those who want to develop housing for those struggling with mental health. It is much needed in every community. He didn't like how it was handled when it first came up. This is a few hundred feet from the City boundaries, both on Glover's Lane and 1525. It seems to be easier to maintain if it is annexed, as plows could plow this continuously. He would like to hear out this application.

Petersen said the problem with the roads, Glover's and 1525, is they are not built on compacted road base, but instead on dirt. They will not take heavy trucks. Developers build the roads, and cities maintain them. If this island is annexed without a developer in tow, the City may be on the ticket to rebuild those roads someday. The use is not the objection, but the roads that will need to be rebuilt and maintained by the City is the objection. That is not the way things are typically done.

Boshell said to do Glover's Lane from Farmington Creek to the bird refuge would take \$1 million. The entire 1525 West will be torn up for the overpass for West Davis Corridor (WDC).

Isaacson previously met with two men who explained this project to him. He agrees with **Beus** that this is something a community should support. He does not see the value of taking on a significant cost to benefit only one property and one use. The cost cannot be justified. It will be on the other side of Legacy.

Pace asked **Petersen** where the development line is currently. **Petersen** said when the West Davis Corridor picks up steam, there were thoughts of redoing the General Plan and move the Development Restricted (DR) line west and south of WDC. That decision hasn't been made yet. Either way, the Eastman property will still be in a Development Restricted property. **Boshell** said there is an existing 24 feet of ROW for Glover's Lane, and the minimum for a local street is

56 feet. The asphalt road width minimum is 28 feet. Annexing this in may be inheriting a headache, as the road could not be widened to the south (restricted for the bird refuse). To the north there is only 33 feet to the front door of the existing home. Water is already to Glover's Lane down 1525 West, but they don't have sewer. The City would not be obligated to do it. They would have to stay on septic unless they had a sewer line within a certain distance. **Pace** asked if they are planning to expand the building. **Isaacson** said he doesn't remember that request. **Isaacson** and **Pace** wondered how they could get that many beds in that home. **Isaacson** said the past resident raised fighting roosters with spurs there in multiple pens on the property.

Assistant City Manager/Economic Development Director **Brigham Mellor** said 1525 was being built for the high school. The most direct route would be Glover's. By annexing that property, it becomes the City's headache. To widen it to the north would be cutting into this property. It would be a lot easier for the County to do that, as they have only eight miles of road to maintain. This is one of those miles. If this becomes a viable business, you have enriched the property and it has become more valuable. This would make it a higher cost to buy out. Annexation to a City is not without cost. You have to a lot of documentation that must happen, starting at the Lieutenant Governor's office. It would be a waste of time if the Council was going to deny it anyway.

Pace said there is a valid use for mental health facilities in the community, and he has had siblings benefit from these types of facilities in the past. Because of federal laws, if the City accepts the annexation, they accept the use. It is a permitted use anywhere in the community. The only question is how many units they can have. The City can require a financial analysis and a hearing officer to decide the number of beds. If the City has reservations about the use, this is the only tool. Right now, that requirement is on the County.

Isaacson said if he was to pick a place in the community to have a facility like this, this would be a good spot that would have minimal impact. It is an ideal place for this. However, this is a burden to take on annexation for just one house. **Anderson** said it would be cost prohibitive, as the City hasn't developed out that far yet. **Isaacson** suggested that the applicant hire an attorney to go after the County. One day, this property may have to be bought out to widen the road.

Godfrey said the City needs to be straight forward with the applicant. They need to know if there is no appetite from the Council to approve this now. **Isaacson** said if it is not there, he can't think of a better place for it. There would be a lot of opposition anywhere else. **Anderson** is not comfortable committing \$1 million in public money to annex one parcel. He can't justify the costs and exposure to the City. There are not plans to develop other surrounding properties.

Shumway said the negatives are outweighing the positives right now, especially now when if they want to do it, they have a way to do it. She is a thumbs down.

Wayment said they can go anywhere in the City to do this. She knows of one in a home right now right in the middle of neighborhoods. Her biggest issue is having to develop Glover's Lane and 1525 for one business that is going to have to relocate it anyway. The use is great, but the location is hard and a big cost to the city. She is a thumbs down.

Anderson said this makes three thumbs down, one up, and one to the side. **Pace** said he would share that with the applicant. He thinks the quickest path for the applicant is getting legal counsel and going back to the County. **Godfrey** said this is not a vote, and the applicant can go forward and try this.

Mayor Talbot and City Council Reports

Shumway said parking at the mouth of the canyon with the new bike park is an issue that should be followed. She also asked who will be putting together the City's 15-second video for the Utah League of Cities and Town's April conference.

Wayment brought up the email from the resident that has motor bikes and four wheelers going on the trail behind his yard. The rules and regulations of trail use should be clear. **Pace** said Parks and Recreation put in boulders and signage, with plans for more future signage.

Isaacson asked about the complaint on the motorcycle repair business on 650. **Petersen** said a hearing officer has been selected and a hearing scheduled for April 21, although that might be delayed. A citation has been issued, and he is appealing that citation. **Anderson** and **Petersen** agreed that these neighbors have had a major tumultuous history, and the continued conflict is unfortunate. The City has been in the middle of the conflict.

Isaacson thanks the City for the flashing lights on 1100. He discussed his daughter who has a children's choir that started right before the pandemic. She asked if the choir could sing a song for the City Council at the beginning of an upcoming live meeting in May. **Shumway** said a celebration would be warranted.

Beus had a resident ask about cleaning the drainage ditches in the Ranches subdivision on 1525. It is a deep ditch and he is not sure who maintains it. **Pace** said he wasn't sure if that is the City or the HOA's responsibility. **Boshell** said the one on Clark Lane is maintained by the City. Staff will need to check with **Cory Brazell**. **Beus** also wants to touch base with **Pace**, **Petersen** and **Shumway** on the housing ordinance put together by Community Development before going to the conference.

Anderson asked what the Council felt about the Zoom pledge of allegiance, as it has felt uncomfortable to him. Perhaps the City will be switching to in-person meetings soon. **Godfrey** said Farmington has conducted their meetings by Zoom much longer than other cities have. **Beus** said he liked having a non-denominational faith conduct the opening prayer. The person who gave the prayer requested the opportunity, and lives in Las Vegas. Now that many public meetings are being conducted electronically, he has been able to offer these prayers all around the country. **Shumway** said she knows of two other individuals in the City who may be interested in offering an opening prayer for a Council meeting. **Pace** said the only restriction on prayers is a time limit.

CLOSED SESSION

Joining via Zoom:

*City Manager Shane Pace,
Councilman Brett Anderson,
Councilman Shawn Beus,
Councilman Scott Isaacson,
Councilwoman Amy Shumway,
Councilwoman Rebecca Wayment,*

*City Recorder Heidi Bouck,
Community Development Director Dave
Petersen,
Assistant City Manager/Economic
Development Director Brigham Mellor,
and City Attorney Todd Godfrey,*

Motion:

Beus made the motion to go into a closed meeting for the purpose of property acquisition. **Wayment** seconded the motion, which was unanimously approved.

Sworn Statement

I, **Brett Anderson**, Mayor Pro-Tem of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the council was so convened in a closed meeting.

Brett Anderson, Mayor Pro-Tem

Motion:

Isaacson made a motion to reconvene to an open meeting. The motion was seconded by **Wayment**, which was unanimously approved.

Pace said the City had registered all Council members for the Utah League of Cities and Towns conference and paid for hotels for all of them for Wednesday, Thursday and Friday night.

ADJOURNMENT

Motion:

Isaacson made a motion to adjourn the meeting. **Wayment** seconded the motion, which was unanimously approved.

Heidi Bouck, Recorder